

# PATENT COOPERATION TREATY

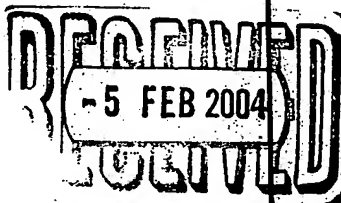
From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

# PCT

SEP 2004

To:

Bannerman, David G.  
WITHERS & ROGERS  
Goldings House  
2 Hays Lane  
London SE1 2HW  
GRANDE BRETAGNE



## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year)		03/02/2004
Applicant's or agent's file reference DBG/PCT-143		IMPORTANT NOTIFICATION
International application No. PCT/EP03/02599	International filing date (day/month/year) 12/03/2003	Priority date (day/month/year) 13/03/2002
Applicant PHARMACIA AND UPJOHN COMPANY et al.		

- The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
- A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
- Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/



European Patent Office  
D-80298 Munich  
Tel. (+49-89) 2399-0, Tx: 523656 epmu d  
Fax: (+49-89) 2399-4465

Authorized officer

KEMLE S Y G

Tel. (+49-89) 2399 2828



## PATENT COOPERATION TREATY

SEP 2004

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the ~~OJ11/2001~~)

RECEIVED

06 FEB 2004


WIPO PCT

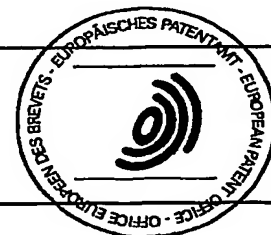
Applicant's or agent's file reference <b>DBG/PCT-143</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP03/02599</b>	International filing date (day/month/year) <b>12/03/2003</b>	Priority date (day/month/year) <b>13/03/2002</b>
International Patent Classification (IPC) or national classification and IPC <b>A61K38/27</b>		
Applicant <b>PHARMACIA AND UPJOHN COMPANY et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This **REPORT** consists of a total of 2 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand <b>01/10/2003</b>	Date of completion of this report <b>29/01/2004</b>
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer <b>MARANDON M G R</b>  Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

---

International application No.

PCT/EP03/02599

**I. Basis of the report**

The basis of this international preliminary examination is the application as originally filed.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability**

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).